

REMARKS

Claims 1-30 are pending. Claims 1-30 are rejected. Applicant has amended some claims to correct minor claim numbering and naming problems. Applicant respectfully requests reconsideration of the present application in view of the remarks set forth below.

Objection to Specification

The drawings stand objected to as failing to comply with 37 CFR 1.84(p)(5) because the drawings include a reference character (315 in FIG. 3) not mentioned in the description. Applicant hereby replaces FIG. 3 with the attached FIG. 3 entitled “Replacement Sheet” in the Appendix. Applicant has amended FIG. 3 to remove the 315 reference character.

Rejections Under 35 U.S.C. § 102(b)

Claims 1-2, 11-12, 14-16, 25-26, and 28-30 are rejected under 35 U.S.C. 102(b) as being unpatentable over U.S. Pat. No. 5,946,697 to Shen (hereinafter “Shen”). Applicant respectfully traverses these rejections.

Shen teaches a compressed file produced by a server that is used for updating changes to a hypertext markup language (HTML) document cached on a client computer so that it is identical to a changed HTML document stored on a server computer.

Claim 1 recites identifying an online resource to monitor, the online resource being stored in a first format, converting the online resource to a strict formatted file, identifying relevant data in the strict formatted file using an analytic parser, and determining whether the identified relevant data has been altered.

Shen does not teach or suggest all claim limitations of claim 1. Applicant fails to see how Shen teaches or suggests identifying an online resource to monitor as recited in claim 1. Shen discloses a client computer that caches HTML files from a server computer (col. 2, lines 57-61). In Shen, a user of the client computer requests a connection to a URL site (server computer), the client computer determines whether the HTML file for the URL site is in the cache, and then the client computer retrieves the HTML file from the server computer if not in the cache (col. 6, lines, 13-24 and steps 42 and 44 in FIG. 3). Although a user of the client computer in Shen identifies a server computer by providing a URL to retrieve the HTML file, the identification of the online resource is not for monitoring as in claim 1. By identifying an online resource to monitor, claim 1 can monitor changes within the online resource by identifying relevant data and determining whether the identified relevant data has been altered. Therefore, absent any teaching or suggestion in Shen of identifying an online resource to monitor, claim 1 is allowable for at least these reasons over Shen.

Additionally, claim 1 recites converting the online resource to a strict formatted file. Applicant fails to see how Shen teaches this limitation as well. Shen discloses generation of a compressed file at the server computer (col. 3, lines 5-7). This compressed file includes the changed portion of the HTML file relative to the HTML file stored in the cache of the client computer (col. 3, lines 8-12). The compressed file also includes a macro name for each construct or list in the HTML file (col. 7, lines 18-20). Even though the compressed file is “compressed” and includes “macro names,” there is nothing to suggest that the compressed file is a strict formatted file as recited in claim 1. Claim 1 uses a strict formatted file to provide a strict architectural structure to easily

locate specific data in the strict formatted file (see, e.g., paragraph 28 in the Specification). With a strict formatted file, data identifiers are easily located, which subsequently makes the relevant data easier to locate, which in turn improves determining whether the identified relevant data has been altered as recited in claim 1. Therefore, absent any teaching or suggestion in Shen of a strict formatted file, claim 1 is allowable for at least these reasons over Shen.

Claim 1 also recites identifying relevant data in the strict formatted file using an analytic parser. Shen does teach extracting macro definitions from HTML files in step 76 in FIG. 4 and col. 7, lines 65-66. A macro definition is “simply the content of that portion of the body of the cached HTML file represented by a macro name” (col. 7, lines 60-62). HTML files are not strict formatted files because HTML files do not require a strict architectural structure for identifiers (see, e.g. paragraph 28 in the specification). Further, as discussed above, Applicant fails to see any suggestion or teaching of a strict formatted file in Shen. Also, Applicant fails to see how Shen teaches or suggests using an analytic parser to locate relevant data as recited in claim 1. An analytic parser is a program created to use a data identifier or flag to locate relevant data found within the online resource (see, e.g., paragraph 29 in the specification). The extraction of macro definitions in Shen does not use an analytic parser because the extraction in Shen does not teach or suggest using data identifiers or flags to locate relevant data. Therefore, absent any teaching or suggestion in Shen of an analytic parser, claim 1 is allowable for at least the above reasons over Shen.

Claims 15, 29, and 30 are allowable for at least the same reasons as claim 1.

Claims 2, 11-12, and 14 are dependent either directly or indirectly from claim 1 and are allowable for at least the same reasons as claim 1.

Claims 16, 25-26, and 28 are dependent either directly or indirectly from claim 15 and are allowable for at least the same reasons as claim 15.

Rejections Under 35 U.S.C. § 103

Claims 3-8 and 17-22 are rejected under 35 U.S.C. 103 as being unpatentable over U.S. Pat. No. 5,946,697 to Shen (hereinafter “Shen”) and further in view of U.S. Pat. No. 6,643,652 to Helgeson et. al. (hereinafter “Helgeson”). Applicant respectfully traverses these rejections. The Office Action appears to have a misnumbering for this rejection of claims 11-22, which are presumably claims 17-22 because the reasons for rejecting claims 17-22 are provided in this rejection.

Claims 3-8 are dependent either directly or indirectly from claim 1 and are allowable for at least the same reasons as claim 1.

Claims 17-22 are dependent either directly or indirectly from claim 15 and are allowable for at least the same reasons as claim 15.

Also, in regards to claims 3-8 and 17-22, the Office Action recites that combining Hegelson with Shen was “to make the system more flexible.” The cited portions (col. 49, lines 55-64; col. 50, lines 43-67) of Hegelson disclose a Web Content Server that provides a web content generation engine for use by users to create, render, and present web content while improving the dynamic acquisition of data from a variety of sources followed by it reformatting and displaying the web content via style sheets. One skilled in the art would not combine Shen and Hegelson to make the “system more flexible”

because each reference is not related to each other and solves different problems. The caching in Shen is invisible to the user, speeds up response time, and reduces data transmitted over a network (col. 9, lines 28-37). On the other hand, the web content server in Hegelson is for users to create, render, and present web content. Therefore, one skilled in the art would not combine Shen and Hegelson because improving response time and reducing data transmissions as in Shen is not related to creating and presenting web content as in Hegelson.

The Office Action also recites “[f]lexibility of a system can be achieved through the integration of disparate business applications enabling modular interconnection of systems containing data import, export and event monitoring and reporting facilities which are protocol independent” (col. 2, lines 35-50) This motivation to combine does not apply to Shen and Hegelson because the caching in Shen does not provide flexibility of a system by integration of disparate business applications but instead improves response time and reduces data transmissions. Furthermore, combining Shen with Hegelson does not enable modular interconnection of systems containing data import, export and event monitoring and reporting facilities. The caching of Shen improves response time and reduces data transmission but does not interconnect other systems especially ones that data import, export and event monitoring and reporting facilities.

Thus, claims 3-8 and 17-22 are allowable at least these reasons over Shen and Hegelson.

Rejections Under 35 U.S.C. § 103

Claims 9-10, 13, 23-24 and 26-27 are rejected under 35 U.S.C. 103 as being unpatentable over U.S. Pat. No. 5,946,697 to Shen (hereinafter “Shen”) and further in view of U.S. Pat. No. 6,366,933 to Ball et. al. (hereinafter “Ball”). Applicant respectfully traverses these rejections. The Office Action does not provide any reasons for rejecting claim 26. Applicant respectfully requests allowance or a rejection alongwith reasons for rejecting claim 26.

Claims 9-10 and 13 are dependent either directly or indirectly from claim 1 and are allowable for at least the same reasons as claim 1.

Claims 23-24 and 26-27 are dependent either directly or indirectly from claim 15 and are allowable for at least the same reasons as claim 15.

The Office Action recites that Ball would be combined with Shen “to make the system efficient.” In *In re Dembiczak* (175 F. 3d at 999 (Fed Cir. 1999), a Federal Circuit panel emphasized that, to reject an inventor’s claim for obviousness in view of a combination of prior art references, a showing of a suggestion, teaching, or motivation must be “clear and particular.” The motivation of making a system more efficient is too vague and lacks particularity to teach why two references need to be combined. The general motivation of efficiency does not teach one skilled in the art why two references should be combined in any particularity because making a system efficient is a general motivation for any system. Further, MPEP 2143.01 recites that “[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally

available to one of ordinary skill in the art.” First, the Office Action has not recited any references in either Shen or Ball for making the system efficient. Second, the Office Action has failed to establish with enough particularity how one skilled in the art would have the knowledge to combine Shen and Ball to make a system more efficient. Thus, claims 9-10, 13, 23-24 and 26-27 are allowable at least these reasons over Shen and Ball.

CONCLUSION

Therefore, in view of the above remarks this application is in condition for allowance, and the Examiner is respectfully requested to allow this application. The Examiner is invited to contact Applicant's undersigned representative regarding any issues that the Examiner feels are still outstanding.

Respectfully submitted,

Holstege

Date: 12/16/04

By: 

Eugene G. Kim

Reg No. 46,267

Carr & Ferrell *LLP*

2200 Geng Road

Palo Alto, California 94303

Phone: (650) 812-3400

Fax: (650) 812-3444